

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AMERICAN CIVIL LIBERTIES)	
UNION, on behalf of its members, and)	Hon. Gershwin A. Drain
AMERICAN CIVIL LIBERTIES)	
UNION of MICHIGAN, on behalf of its)	Case No. 15-cv-12611
members,)	
)	
Plaintiffs,)	
)	
vs.)	
)	DEFENDANT-INTERVENORS'
TRINITY HEALTH CORPORATION,)	MOTION TO DISMISS
an Indiana corporation, and TRINITY)	
HEALTH – MICHIGAN, a Michigan)	
corporation,)	
)	
Defendants,)	
)	
and)	
)	
CATHOLIC MEDICAL ASSOCIATION,)	
on behalf of its members,)	
)	
CHRISTIAN MEDICAL and DENTAL)	
ASSOCIATION, on behalf of its)	
members, and)	
)	
AMERICAN ASSOCIATION OF PRO-)	
LIFE OBSTETRICIANS AND)	
GYNECOLOGISTS, on behalf of its)	
members,)	
)	
Defendant-Intervenors.)	
)	
)	
)	

COME NOW Defendant-Intervenors the Catholic Medical Association (“Catholic Medical”), Christian Medical and Dental Association (“Christian Medical”), and the American Association of Pro-Life Obstetricians and Gynecologists (“AAPLOG”) (collectively, hereinafter the “Intervenors”), pursuant to Fed. R. Civ. P. 12(b)(1) & (b)(6) and Loc. R. Civ. P. 7.1 of this Court, and hereby move to dismiss Defendants’ amended complaint in the above-captioned case, because the Court lacks subject matter jurisdiction over Plaintiffs’ claims and Plaintiffs fail to state a claim upon which relief can be granted. In support of this motion, Intervenors rely on the accompanying brief.

Pursuant to Local Rule LR 7.1, the Intervenors’ counsel sought concurrence of Plaintiffs’ counsel in the relief requested in this motion on December 10, 2015. Plaintiffs’ counsel declined to consent to such relief. The Court’s March 12, 2016 order indicated that Intervenors may refile their motion to dismiss now that their intervention motion has been granted. The brief below is the same as the previous proposed brief in support of Intervenors’ proposed motion to dismiss, except for proofreading changes, some subheadings to added pre-existing text, and three additional case citations added in support of the argument.

Therefore, and for the reasons stated in the accompanying brief, the Intervenors respectfully request dismissal of plaintiffs’ amended complaint.

Respectfully submitted this 14th day of March 2016,

CATHOLIC MEDICAL
ASSOCIATION;
CHRISTIAN MEDICAL AND
DENTAL ASSOCIATIONS; and
AMERICAN ASSOCIATION OF
PRO-LIFE OBSTETRICIANS AND
GYNECOLOGISTS; by

s/ Matthew S. Bowman

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CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will serve notification of such filing on the following:

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